

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Clarence L. Barker,

Civil No. 09-577 (DWF/JJK)

Petitioner,

v.

ORDER

Warden Dwight Fondren,
FCI Sandstone,

Respondent.

Clarence L. Barker, *Pro Se*, Petitioner.

Chad A. Blumenfield and Gregory G. Brooker, Assistant United States Attorneys, United States Attorney's Office, counsel for Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated August 17, 2009. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. No. 1), is **DENIED**; and

2. This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 15, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge